

Introduced: 2/3/70
Referred: Resources and
Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 579

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the creation of a guide licensing
7 and control board."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 08 is amended by adding a new chapter to read:

10 CHAPTER 54. GUIDES.

11 ARTICLE 1. GUIDE LICENSING AND CONTROL BOARD

12 Sec. 08.54.010. CREATION AND MEMBERSHIP OF BOARD. There is
13 hereby created a Guide Licensing and Control Board consisting of three
14 members who are licensed master guides.

15 Sec. 08.54.020. APPOINTMENT AND TERM OF OFFICE. The members of
16 the board shall be appointed by the governor and confirmed by the
17 legislature for staggered terms of three years or until their
18 successors are appointed. A member may be removed at the pleasure of
19 the governor.

20 Sec. 08.54.030. CHAIRMAN OF BOARD. The board shall elect one of
21 its members as chairman.

22 Sec. 08.54.040. BOARD MEETINGS. The board shall hold a regular
23 annual meeting or such other meetings as it may deem necessary.

24 Sec. 08.54.050. POWERS AND DUTIES. The board shall

- 25 (1) prepare, grade, and administer examinations;
26 (2) determine and pass on qualifications of applicants for
27 licenses and issue licenses to those who qualify;
28 (3) establish guide performance standards and regulate
29 activity;

1 (4) compile, maintain and publish an outfitter and guide
2 register;

3 (5) restrict outfitting and guiding activities which are
4 unsportsmanlike, unethical, unsafe, against principles of conservation
5 or degrading to the outfitting and guiding profession or which
6 adversely affect the natural resources;

7 (6) after hearing, revoke, suspend or deny renewal of a
8 license in accordance with sec. 200 of this chapter.

9 Sec. 08.54.060. BOARD REGULATIONS. The board shall adopt
10 procedural and substantive regulations, under the Administrative
11 Procedure Act (AS 44.62), required by this chapter or reasonably
12 necessary for its administration.

13 Sec. 08.54.070. BOARD HEARING. The Administrative Procedure Act
14 (AS 44.62) applies to proceedings and hearings under this chapter.

15 ARTICLE 2. LICENSING.

16 Sec. 08.54.100. QUALIFICATIONS FOR OUTFITTER LICENSE. A person
17 is entitled to be licensed as an outfitter if he

18 (1) is a licensed master or registered guide;

19 (2) has permanently established camps in at least one of his
20 authorized hunting districts;

21 (3) has demonstrated to the board his ability to outfit
22 hunts; and

23 (4) has provided a surety bond in the amount of \$5,000
24 approved by the board, conditioned to protect the contract existing
25 between outfitter and client.

26 Sec. 08.54.110. QUALIFICATIONS FOR MASTER GUIDE LICENSE. A
27 person is entitled to be licensed as a master guide if he

28 (1) has legally hunted in Alaska for a part of each of 10
29 years during which time a substantial source of his income was from

1 guiding or related activities directly contributing to his experience
2 and competency as a guide;

3 (2) meets all requirements of a registered guide and has
4 been actively engaged in licensed guiding activities in Alaska for at
5 least five years preceding application;

6 (3) has not been convicted of a violation of federal or
7 state sport fishing, game or guiding laws or regulations within the
8 preceding five years;

9 (4) has consistently performed in a superior manner as
10 evidenced by required reports submitted to the board and by inquiries
11 made by the board to at least two of the guide's clients of record; and

12 (5) meets additional qualifications which the board may
13 require.

14 Sec. 08.54.120. QUALIFICATIONS FOR REGISTERED GUIDE LICENSE. A
15 person is entitled to be licensed as a registered guide if he

16 (1) is 21 years of age or more;

17 (2) is a resident of Alaska;

18 (3) has practical field experience in the handling of
19 firearms, hunting, judging trophies, field preparation of trophies,
20 first aid and photography;

21 (4) is familiar with the terrain and transportation
22 problems in the district for which the license is requested;

23 (5) has passed the qualification examination prepared and
24 administered by the board;

25 (6) has demonstrated to the board sufficient standards of
26 competence and ethical conduct and has not been convicted of a crime
27 involving moral turpitude;

28 (7) has legally hunted in Alaska for all or part of each of
29 five years in a manner directly contributing to his experience and

1 competency as a guide;

2 (8) has been licensed as and performed the services of an
3 assistant guide in Alaska for a part of each of three years; and

4 (9) meets additional qualifications which the board may
5 require.

6 Sec. 08.54.130. QUALIFICATIONS FOR ASSISTANT GUIDE LICENSE. A
7 person is entitled to be licensed as an assistant guide if he

8 (1) is 19 years of age or more;

9 (2) is a resident of Alaska;

10 (3) is favorably recommended by a registered guide; and

11 (4) meets additional qualifications which the board may
12 require.

13 Sec. 08.54.140. LICENSE FEES. (a) License fees for engaging in
14 the profession of guiding are:

15 (1) outfitter's license\$10

16 (2) master guide license 50

17 (3) registered guide license 50

18 (4) assistant guide license 5

19 (b) The license fee for an outfitter, master guide, registered
20 guide or assistant guide license shall be in addition to the fee
21 required for a hunting or fishing license.

22 Sec. 08.54.150. EXAMINATION FEE. An applicant for a guide
23 examination shall pay a fee of \$25.

24 Sec. 08.54.160. EXPIRATION AND RENEWAL. (a) An outfitter,
25 master guide, registered guide or assistant guide license expires on
26 December 31, following issuance.

27 (b) A license may not be issued to an outfitter, master guide,
28 registered guide or assistant guide who has failed to renew his license
29 for two consecutive years unless he again meets the qualifications for

1 initial issuance of the license.

2 ARTICLE 3. VIOLATIONS AND PENALTIES.

3 Sec. 08.54.200. GROUND^s FOR DISCIPLINING A LICENSEE. After a
4 hearing, the board may revoke, suspend or deny renewal of a license if
5 the board finds that the licensee

6 (1) does not meet the qualifications specified by statute or
7 regulations for the class of license held;

8 (2) engages in activities which are unsportsmanlike,
9 unethical, unsafe or degrading to the outfitting and guiding profession
10 or which adversely affect the natural resources or the principles of
11 conservation;

12 (3) is incompetent as an outfitter, master guide,
13 registered guide or assistant guide;

14 (4) violates a provision of a federal or state sport fish,
15 game or guide statute or regulation; or

16 (5) has been convicted of a crime involving moral turpitude.

17 Sec. 08.54.210. UNLAWFUL ACTS. (a) It is unlawful for

18 (1) an outfitter, master guide, registered guide or
19 assistant guide to fail to report to the Department of Commerce within
20 60 days violations by a client of a state fish, game or guiding statute
21 or regulation;

22 (2) an outfitter, master guide, registered guide or
23 assistant guide to aid the commission of a violation of this chapter or
24 of AS 16.05 or a regulation promulgated under either chapter, or permit
25 the commission of a violation in his sight without attempting to
26 prevent it, short of using force, and without reporting it;

27 (3) a person to guide as defined in this chapter without
28 being licensed under this chapter and without having the license in
29 his actual possession;

1 (4) a person to advertise as or represent himself to be a
2 licensed outfitter, master guide, registered guide or assistant guide
3 without being licensed.

4 (b) A person who violates this section is guilty of a misdemeanor
5 and upon conviction is punishable by a fine of not more than \$1,000,
6 or by imprisonment for not more than one year, or by both.

7 Sec. 08.54.220. INJUNCTION AGAINST UNLAWFUL ACTION. When in the
8 judgment of the board a person or corporation or other entity has
9 engaged in an act in violation of secs. 100 - 160 of this chapter or
10 the regulations promulgated under sec. 210 of this chapter, the board
11 may apply to the appropriate court for an order enjoining the act.
12 Upon a showing by the board that the person is engaging in the act,
13 the court shall grant injunctive relief or other appropriate order
14 without bond.

15 ARTICLE 4. GENERAL PROVISIONS.

16 Sec. 08.54.310. DEFINITIONS. In this chapter

17 (1) "board" means the Guide Licensing and Control Board;

18 (2) "guide", "guides" or "guiding" means accompanying,
19 guiding, or assisting another person to take or photograph game with
20 the intent of receiving monetary or material remuneration for the
21 services;

22 (3) "licensed outfitter" means a bonded licensed master or
23 registered guide who contracts with clients for hunts, employs guides,
24 furnishes camps, hunting equipment and supplies; however, this does not
25 include the operation of a retail sales business;

26 (4) "resident" means a person who has resided and domiciled
27 regularly within the state for a period of not less than 12 consecutive
28 months immediately preceding the date of application for a license,
29 certificate or permit.

- 1 * Sec. 2. AS 08.01.010 is amended by adding a new subsection to read:
2 (18) Guide Licensing and Control Board.
- 3 * Sec. 3. AS 44.62.330 is amended by adding a new subparagraph to read:
4 (33) Guide Licensing and Control Board.
- 5 * Sec. 4. AS 16.05.050 is amended by adding a new subsection to read:
6 (11) require submission of such reports on outfitting and
7 guiding as considered necessary for game management purposes.
- 8 * Sec. 5. AS 16.05.407(b) is amended to read:
9 (b) It is unlawful for a nonresident to import polar bear into
10 this state unless personally accompanied by a person who is licensed as
11 a master guide, registered guide or assistant guide [BY THE DEPARTMENT].
- 12 * Sec. 6. AS 16.50 is repealed.
- 13 * Sec. 7. A person licensed as a registered or master guide or
14 assistant guide at the time this Act takes effect shall, upon application,
15 be issued a registered guide license, master guide license, or assistant
16 guide license, respectively.
- 17 * Sec. 8. The regulations presently in effect relating to guiding,
18 Alaska Administrative Code, title 5, chapter 4, so far as they are not in
19 conflict with this Act, shall remain in effect until repealed or amended
20 by the Guide Licensing and Control Board.
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